



STATE OF CONNECTICUT

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To: Senate Chair Julie Kushner
House Chair Robyn Porter
Senate Ranking Member Rob Sampson
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Honorable Members of the Labor and Public Employees Committee

From: Beverly K. Streit-Kefalas
Probate Court Administrator

Re: Senate Bill No. 209, An Act Concerning the Status of Probate Court
System Employees

Date: March 3, 2022

Thank you for the opportunity to testify today on this proposal.

By way of background, in addition to serving as Probate Court Administrator beginning in 2019, I served for over 20 years as the judge of probate for the Milford-Orange Probate District. In now leading the Office of the Probate Court Administrator, I have been fortunate to call on my own experiences presiding over the business of a local Probate Court. It has been an honor to serve in both roles alongside very dedicated public servants.

Probate Court staff are employed by elected officials and are parallel to employees of the legislative branch. Judges are elected to four-year terms and are committed to and actively involved in their respective communities. Each elected judge is the employer for their own court. The court staff they rely on are critical to meet not only the legal needs of the public but also to meet these needs in a compassionate manner. Court staff's rapport and sensitivity in what can be emotionally-charged probate matters are similar to the important role legislative aides play for General Assembly members. Many of the Probate Court staff have significant longevity in our system. As demonstrated throughout this public health emergency, they, like the judges who employ them, are personally committed to the good works of the Probate Court system.

Conn. Gen. Stat. § 5-270 limits collective bargaining to employees of the executive and judicial branch. The legislative branch, just like the Probate Court system, is comprised of elected officials as the employer.

Uniformity and significant savings to taxpayers were accomplished with 2011 reforms and consolidation of the Probate Court system. In 2011, Connecticut's 117 Probate Courts were consolidated into 54 courts, a far more sustainable delivery model that continues to save the state in excess of \$4 million annually. Notably, the 2011 reorganization standardized compensation and ensured that court staff receive the same benefits and uniform compensation rates regardless of the judge for whom they work or the relative wealth of the probate district. Prior to this critical restructuring, court staff had disparate salaries and benefits largely tied to the wealth of the particular district in which they were employed. With consolidation to the 54 current Probate districts, there were 117 different and unequal compensation benefit plans including not only different salary ranges for the same work but also different bereavement, sick time, vacation time and other paid time off benefits.

The 2011 restructuring included the statutory establishment of the Probate Court Budget Committee, which meets in publicly-noticed meetings where input is welcomed and encouraged. In addition to statutory health insurance and retirement plans, the Probate Court Budget Committee has implemented uniform salaries and benefits and expanded the benefits to parallel other state employees. Since 2011, such benefits now include the opportunity to contribute to deferred compensation and flexible spending plans, healthcare and dependent care spending accounts, eligibility for enrollment in short-term and long-term disability insurance, and uniform vacation, sick, bereavement and personal time.

Since the declaration of the public health emergency wrought by COVID-19, the Probate Court Budget Committee has proven especially responsive and decisive in addressing critical employee needs. In multiple emergency and special meetings health and safety response measures such as cohorting and flexible schedules were deployed to protect court staff. Court staff lost no paid time and were provided extraordinary compensation benefits if exposed to infection, as well as when faced with childcare needs due to school closures. The ability to quickly implement additional benefits for the court staff in order to protect not only their physical safety but importantly their fiscal health as well was an important tool available to the Probate Court Budget Committee.

The current structure fits the unique circumstances and local character of the Probate Court system. It ensures that all employees are compensated in accordance with cohesive, uniform and equitable criteria, while ensuring appropriate local authority and relationship over employee selection and supervision.

It is an immense point of pride that Connecticut's Probate Court system has continued serving the public throughout the pandemic from its earliest stages through subsequent infection rate surges. The business of Probate Courts is defined by local, direct service to the families and vulnerable individuals who count on us during what is often the worst

of personal times. These employees are skilled, compassionate and valued.

As I have testified in previous iterations, this proposal not only significantly alters the relationship between elected officials and their staff like the legislative branch, it is also silent on a number of important issues.

To highlight some of these issues: There is no provision for a bargaining unit entity, and if separate negotiations are envisioned with each judge, this will likely reverse the uniformity in wages and benefits accomplished by the 2011 restructuring, adding substantial administrative expense, and directly conflicting with the statutory charge of the Probate Court Budget Committee.

In addition:

- Would Probate Court clerks have to be attorneys similar to Superior Court clerks? This parallel has been drawn previously, but there are substantial differences between Probate and Superior Court clerks, and differences between Chief Clerks and other court staff in Probate Courts.
- Would Chief Clerks in Probate Courts be excluded from collective bargaining given their supervisory duties?
- Would court staff be assignable to different court locations based on the current staff needs at different courts?
- Would judges retain the ability to manage such work assignments and set work schedules?
- Would the Probate Court Judges and Employees Retirement System remain separate from the State Employees Retirement System?
- Would vesting requirements for retirement benefits change?

When it comes to Connecticut Probate Courts, one size does not fit all. The critical work of the Probate Courts under its existing organizational structure maintains uniform benefits and compensation for the staff regardless of the locale or the size of the court. It allows elected officials to ensure that community needs are met by the skilled legal expertise of the court staff but also are met with compassion and prompt attention. The Probate Court Budget Committee has uniformly recognized the court staff with cost-of-living and merit adjustments when the general fund appropriations and the probate fee revenue have supported them. There are, as outlined above, significant questions that merit further review before passage of S.B. 209 and I respectfully ask the committee to consider these concerns.

Thank you again for your consideration.